

## REMARKS/ARGUMENTS

### **1. Claim Amendments**

The Applicant has amended claims 1, 3-5, 15, 18, 25 and 27 and claims 2, 17 and 26 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1, 3-16, 18-25 and 27-30 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2. Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Corneille et al. (US 20050073982) in view of Wenzel US 20020034939. The Applicant has amended independent claims 1, 15 and 25 to better define the intended scope of the claimed invention.

The amendments claims 1, 15 and 25 clarify that the finite-state machine is the entity where the service progression is controlled and further clarifies where the state transition takes place. These amendments are supported at least at paragraph [0062] of the application.

In Corneille the connector gateway creates a data filter that drives an emulation between the mobile device and the business server. This neither discloses nor suggests a first finite-state machine for controlling the service progression since the state transitions are applied as a result of applying service policies to specific events occurring during service delivery. Emulation is a virtual occurrence of a service and as such neither requires nor implicitly suggests the use of a finite-state machine.

Likewise, Wenzel discloses an access terminal that generates an access terminal ID which is checked against a table of authorized access terminals by said access terminal ID. An access terminal ID is, in the absence of any information on the contrary, always the same for the same access terminal and irrespective of the service invoked from said access terminal. This access terminal ID neither anticipates nor suggests a service session identifier which, as the name clearly describes, is an identifier for a service session so that more than one service session identifier may be generated, as many as service sessions have been established, from the same

terminal. This service session identifier associated with an instance of the finite-state machine wherein policies are applied to events occurring during the particular service session. Therefore, there is no suggestion or motivation to combine Corneille and Wenzel.

More specifically, the Examiner cites paragraph [0122] of Corneille, which discloses the provision of user name and password which is part of a specific (non-generic) authentication procedure, as disclosing the authentication of the user and authorization to access services as claimed in the present invention. However, authentication and authorization to access services are two separate processes and the successful authentication of a user does not necessarily imply that all accessible services are allowed to said user.

Furthermore, paragraph [0124] of Corneille does not disclose, nor suggest, the element of: "means for assigning a service session identifier intended to identify those application messages exchanged between the user and the service and that belong to a same service delivery authorized for said user". Moreover, Corneille does not even mention that a service may imply more than one message and thus does not disclose any need for identifying those messages that belong to a same service delivery. Wenzel fails to overcome this deficiency of Corneille.

Further, the Examiner interprets the configuration software installed in the mobile device (generic term) using CAB files (specific term) as anticipating the finite-state machine configured in the AGM of the present application. On the one hand, configuration of a terminal neither requires nor implies any finite-state machine, whereas Corneille specifically requires specific CAB files, which are not finite-state machines. Therefore, the requirement in Corneille of CAB files is distinguishable from the finite-state machine of the present invention.

The Examiner asserts that paragraph [0159] of Corneille anticipates the feature "means for activating service policies applicable to said specific events and resulting in a state transition" as set forth in the claim 1 of the present application. Because paragraph [0159] does not cite any finite-state machine (as better called out in amended claim 1), it cannot, in any manner, anticipate state transitions. More precisely, paragraph [0159] does not disclose means for initiating a specific instance of the first

finite-state machine, said specific instance being identified by the assigned service session identifier; and paragraph [0159] does not disclose means for activating service policies applicable to said specific events and resulting in a state transition in the specific instance identified by the assigned service session identifier, as amended claim 1 now recites. The foregoing analysis is equally applicable to amended claims 15 and 25.

Consequently, Corneille fails to disclose: means for assigning a service session identifier intended to identify those application messages exchanged between the user and the service and that belong to a same service delivery authorized for said user; means for configuring a first finite-state machine with a number of status intended to identify specific events in service delivery, the first finite-state machine usable for controlling service progression; means for initiating a specific instance of the first finite-state machine, said specific instance being identified by the assigned service session identifier; and means for activating service policies applicable to said specific events and resulting in a state transition in the specific instance identified by the assigned service session identifier.

According to the Examiner, Wenzel discloses on paragraph [0025] the means for configuring a first finite-state machine with a number of status intended to identify specific events in service delivery. In fact, paragraph [0025] of Wenzel discloses that, for avoiding fraud and for supporting proper billing for resource usage, there is included an AAA server with a database of user profiles and communication data, the AAA server communicating with AAA clients to provide distributed AAA services. In this respect, any person skilled in the art knows that a database of user profiles is a collection of data per user basis and not at all a finite-state machine operable to change from one state to another, namely to make a state transition, depending on a particular input, namely a specific event.

Regarding claim 2 (now incorporated into Claim 1), the Examiner states that Wenzel teaches wherein the means for assigning a service session identifier include means for initiating a specific instance of the first finite-state machine, said specific instance being identified by the assigned service session identifier (paragraph [0038]). Paragraph [0038] provides:

[0038] Once a communication link is established between NAS/PSDN 116 and access terminal 104, NAS/PDSN 116 produces authorization information signals 156 to local AAA server 122. The signals 156 include user name, a random value or challenge number, and an access terminal 104-generated result obtained from it performing an algorithmic calculation on the challenge number produced to local AAA server 122. Local AAA server 122 then determines whether the result produced by access terminal 104 is correct for the received user name and produces signal 164 to NAS/PDSN 116 to inform it of whether access is authorized or denied. If authorized, then a data packet session is established and packet session signals 168 are transmitted from a user device connected to access terminal 104 and to a terminal coupled to data packet network 124. If network resources are authorized, ANC 108 communicates with access terminal 104 and network access server 116 to create a communication link through wireless data network 100 to data packet network 124 and ultimately to an access terminal coupled to data packet network 124.

As noted with respect to Claim 1, this paragraph of Wenzel also fails to disclose the distinguishable features and elements of the present invention which are not disclosed by Corneille. Specifically, Wenzel fails to disclose a finite-state machine operable to change from one state to another, namely to make a state transition, depending on a particular input, namely a specific event. Consequently, the combination of Corneille and Wenzel do not disclose the present invention.

The Examiner states:

At the time of invention, it would have been obvious to modify the invention of Corneille with the teachings of Wenzel. The motivation would be in order to include a table that identifies authorized access terminals, by access terminalID, for access to the network (abstract).

Even assuming that the two cited references disclosed all of the elements of the present invention, which they do not, the foregoing is not an articulation of why someone skilled in the art would combine these references. The Examiner has merely chosen elements from disparate references, combined them without regard as to how the operation of the primary reference would be changed, and then recited the

advantages afforded by the present invention as the motivation to combine in a conclusory manner.

KSR International Co. v. Teleflex Inc. (KSR) requires that an Examiner provide "some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness." (KSR Opinion at p. 14). An Examiner must "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does," (KSR Opinion at p. 15). And, the Examiner must make "explicit" this rationale of "the apparent reason to combine the known elements in the fashion claimed," including a detailed explanation of "the effects of demands known to the design community or present in the marketplace" and "the background knowledge possessed by a person having ordinary skill in the art." (KSR Opinion at p. 14). Anything less than such an explicit analysis is not be sufficient to support a *prima facie* case of obviousness. Based upon KSR, the Examiner has failed to show any sufficient reason for combining the references.

Further, it is impermissible within the framework of 35 U.S.C. 103(a) to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 230 U.S.P.Q. 416 (Fed. Cir. 1986).

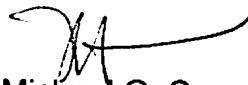
The Examiner's consideration of the amended claims is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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